REMARKS

In accordance with the foregoing, claims 8 and 9 have been amended. Claim 8-15 are pending and under consideration.

Claims 8,9, 10 and 15 are provisionally rejected for obviousness-type double patenting over claim 8 of copending U.S. Application No. 09/806,594 ("the '594 application"). The Examiner refers to claim 8 of the '594 application. However, it appears that the Examiner intended to refer to claim 7 of the '594 application. Both applications are in active prosecution. The claims of the present application have been amended as shown above, and the claims of the '594 application have been/will be amended. With the claim changes for the two applications, it should be apparent to the Examiner that the claims are very different. Because the claims are being amended and because both applications are pending, it is respectively requested that Examiner hold the obviousness-type double patenting rejection in abeyance until a later time when more appropriate. The following brief discussion relates to the subject mater of the applications. The features discussed below may or may not be claimed in any patents that issue from the applications.

The two applications cover different issues of tunneling ATM communication data via a packet-oriented network. The '594 application addresses a transparent communication between (ATM) exchanges (switching systems) via a packet-oriented network. The exchanges are connected via conversion devices to the packet-oriented network. On the other hand, the present application relates very generally to the issue of transporting data from several (ATM) terminals to an associated (ATM) switching system (exchange) via a packet-oriented network. The switching system may be connected via conversion devices such as those disclosed in the '594 application. However, the connection of several terminals to the packet-oriented network is different because the connection may result in packaging steps to aggregate data from several terminals, and combine the data into data packets. Therefore, it is respectively submitted that the general subject matter of the two applications is very different. As should become apparent to the Examiner, the claims of the two applications will reflect differences, perhaps those discussed above.

It should be noted that on page 3 of the Office Action the Examiner asserts that the claimed hub corresponds with the conversion device of the '594 application. This may be an indication of an improper understanding on the part of the Examiner. A hub connects several terminals. The conversion device is connected to a single exchange.

Claims 8-10 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.

Patent No. 5,623,605 to Keshav et al. On page 5 of the Office Action, the Examiner asserts that the claimed switching system corresponds with element 333 of Keshav et al. However, on page 6 of the Office Action, the Examiner asserts that the claimed switching system corresponds with the terminal 330 of Keshav et al. The Examiners' treatment of the reference is inconsistent. Perhaps this inconsistency is one of the reasons why the Examiner has maintained the prior art rejections.

Independent claim 8 and 9 have been amended to more clearly recite the invention. Antecedent basis for the claim changes is as follows:

1. The claims have been amended to recite that the data transmission is between a switching system and a plurality of communication terminals, the communication terminals being connected to a packet-oriented communication network via a hub with subscriber interfaces for each of said communication terminals. Antecedent support for these limitations can be found, for example, in Fig. 1 and at page 5, lines 16-21 of the specification.

2. The claims have also been amended to recite that the access unit is separate from the hub. Antecedent basis can be found in Fig. 1 and in claim 15.

3. The claims have been amended to recite that data is transmitted in the form of substructural elements to the hub by one of the communication terminals. Antecedent basis can be found in Figs. 2 and 3 and at page 8, lines 16-22 of the application.

4. The independent claims have also been amended to recite inserting further substructural elements from another communication terminal into the data packets such that the substructural elements and the further substructural elements are inserted into common data packets. Antecedent support can be found in Fig. 2, at page 7, lines 11-15, and also in claim 15.

As in the obviousness-type double patenting rejection, the Examiner's interpretation of a"hub" appears to be incorrect. A "hub" has a defined technical meaning and is not a conversion unit with only one link to an ATM network/system and only one link to an IP network as in the personal computer 100 of Keshav et al. With the foregoing amendments it should be clear that the hub is connected via subscriber interfaces to a plurality of communication terminals, and the substructural elements from different communication terminals are inserted into common data packets, which data packets are transmitted via the packet-oriented communication network. Therefore, it should be clear that the hub is used for connecting several communication

terminals to the packet-oriented communication network, where the communication terminals are physically connected to the hub via subscriber interfaces.

On page 11 of the Office Action, the Examiner addresses the claim 15 limitation of "substructural elements from different communication terminals are inserted into common data packets." The Examiner cites U.S. Patent no. 6,229,821 to Bharucha et al., which merely discloses integrating ATM mini packets of variable length into one ATM cell or frame. However, Bharucha et al. does not give any indication that would lead one having ordinary skill in the art to insert substructural elements from different terminals into data packets of a packet-oriented communication network. Furthermore, Bharucha et al. does not give any motivation why substructural elements from different communication terminals should be inserted into common data packets because Bharucha et al. does not disclose or suggest that ATM mini packets could be sent from different communication terminals. Additionally, Bharucha et al. explicitly points out that IP data packets have a large overhead in comparison to communication via ATM. See column 4, lines 52-67 of the reference. Thus, one having ordinary in the art would not have been motivated to incorporate ATM cells, with ATM overhead, into data packets with additional data packet overhead, because inserting ATM cells into data packets would be even less efficient than using ATM cells or data packets alone. That is, Bharucha et al. teaches away from the claimed invention. Furthermore, even if Bharucha et al. did suggest such a change, it is not clear how Keshav et al. could be modified. Where would/could substructural elements be combined?

In view of the foregoing amendments and remarks, it is submitted that the prior art rejection should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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